REMARKS

Applicant wishes to thank the Examiner, Ms. Barbara Burgess, for her courtesies extended during the telephonic interview conducted on March 15, 2006, and for her assistance in furthering prosecution on the merits of the present application. During the telephonic interview, independent claim 1 was discussed. No agreement was reached with respect to the patentability of the claims over the cited prior art. The following remarks expand on the substance of the telephonic interview.

Claims 28-55 and 76-101 have been withdrawn from consideration. Claims 1-27 and 56-75 are currently pending, with claims 1 and 56 being the only independent claims. Reconsideration of the application, in view of the following remarks, is respectfully requested.

In the 30 December 2005 Office Action, independent claims 1 and 56, and dependent claims 2-7, 10, 11, 13-15, 17-24, 26, 27, 57, 59, 60-62, 64-66 and 68-75 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. Patent No. 6,542,933 ("*Durst*") in view of U.S. Patent Publication 2002/0161658 ("*Sussman*"). In addition, dependent claims 8, 9, 12, 16, 25, 58, 63 and 67 were rejected under 35 U.S.C. §103(a) as unpatentable over *Durst* in view of *Sussman*, and in further view of U.S. Patent No. 6,134,548 (*"Gottman"*). For the following reasons, it is respectfully submitted that all claims of the present application are patentable over the cited references.

The Office Action (pg. 2) states:

> Durst discloses a system and method for providing information
> concerning a consumer item to a user comprising:
>
> ...
>
> An information server system (ISS) for receiving the OI-Id
> transmitted by said PSA, for matching the received OI-Id with a
> record containing consumer item information (P/S Info)-
> corresponding to the received OI-Id, for determining a
> communication method, and for transmitting the P/S--Info using the
> determined communication method (column 3, lines 1-15, 35-40, 65-
> 67, column 4, lines 1-5, column 6, lines 11-22, 29-45)
>
> ...
>
> *Durst* does not explicitly disclose:
> - Said output device being separate form the PSA.
>
> However, in an analogous art, Sussman discloses the bar scanner
> transmits the scanned UPC to the base station. The base station
> connects via the Internet to the UPC database to obtain further
> information and description of the UPC. The information is
> downloaded to the consumer's Internet Appliance, PDA, PC, or cell

phone...whichever the consumer is most comfortable with
(paragraph [0032]).

   Therefore, one of ordinary skill in the art at the time the invention
was made would have found it obvious to implement or incorporate
Sussman's outputting P/S Info to the user in an output device
separate from the PSA in order for the user to share her various
shopping lists on multiple devices.

With respect to the foregoing statement, the combination of *Durst* and *Sussman* fails to achieve independent claims 1 and 56. *Durst* (col. 3, lines 1-5) teaches that an information server computer, a routing server computer, and a registration server computer are interconnected to a network to assist in providing a primary content file. *Durst* (col. 3, lines 5-8) states, "the present invention operates by inputting into the client computer a linkage code that includes a server identification code and an item identification code". There is no mention here of a server that determines a communication method and transmits P/S-info using the determined communication method, as recited in independent claims 1 and 56.

Durst (col. 3, lines 8-17) states, "the client computer extracts the server identification code from the linkage code, and then obtains a URL template associated with the server identification code. The URL template includes the name of an information server and at least one parameter field to be completed by the client computer. The URL template is completed by the client computer by filling in at least the item identification code obtained from the linkage code, and the completed URL template is then sent as a primary content URL request to the information server named therein. There is nothing in this section of *Durst* to teach or suggest that the information server determines a communication method and transmits P/S-Info using the determined communication method, as recited in independent claims 1 and 56.

Durst (col. 3, lines 17-21) states, "at the information server, the location of the primary content file is determined based at least on the item identification code, and the information server redirects the client computer to the content server to retrieve the primary content file". However, *Durst* fails to teach or suggest that the information server determines a communication method and that P/S-Info is transmitted using the determined communication method and that P/S-Info is transmitted using the determined communication method. Rather, this section of *Durst* simply teaches that the location of a primary file is determined.

Durst (col. 3, lines 35-43), states, "the client computer uses [a] server identification code extracted from ... linkage code to retrieve [an] associated URL template and expiration date. [A] template record is not used, however, if the current date is later than the expiration date. In this

event, or if there is no entry for that server identification code in the local cache (or if local cache is not implemented), then the URL template is retrieved from the routing server on the network". Thus, *Durst* teaches the extraction of linkage code to retrieve an associated URL. However, *Durst* is silent with respect to the determination of a communication method by a server that is used to transmit P/S-Info.

Durst (col. 3, lines 60-65) states, "once the completed URL template is received by the information server, it may use, in addition to the item identification code, the populated user data in order to generate and/or determine the location of the primary content file". *Durst* teaches the determination of a location of a file. *Durst* does not teach the determination of a communication method that is used by an information server to transmit P/S-Info.

Durst (col. 3, line 66 thru col. 4, line 5) states, "the client computer is redirected to the content server by the information server when it sends a primary URL to the client computer indicating the location of the primary content file (i.e. the URL). The information server may log the primary content URL request in a hit log. The information server may then communicate with the registration server to obtain further information linked to a user identification code from the hit log and thus determine more about the user that entered the linkage code". Thus, *Durst* teaches processing associated with a URL. However, there is nothing in *Durst* to teach or suggest anything associated with the <u>determination</u> of a desired communication method that is used to transmit P/S-Info, as required by independent claims 1 and 56.

Durst (col. 5, lines 17-21) states, "at the information server, the <u>location</u> of the primary content file is determined based at least on the item identification code, and the information server <u>redirects</u> the client computer to the content server to retrieve the primary content file. Clearly, this has nothing to do with the claimed determination of a communication method that is used by an information server to retrieve P/S-Info.

Durst (col. 5, lines 22-24) teaches that the information server alternatively retrieves the primary content file from local storage, and sends it directly to the client without the need for redirection to the content server computer. However, there is also nothing in this section of *Durst* that relates to determining a communication method that is used by an information server to retrieve P/S-Info.

Durst (col. 6, lines 11-21) states, "the information server 50 is configured ... to receive a completed URL template from the client computer 20 and transmit a response to the client computer 20 which may be the desired primary content file stored thereon. The content web servers 60 may

contain the web content that is ultimately sent to the web browser 24, and need not be configured in any special way in order to operate with the linkage system 4. That is, the content server 60 receives a data request in the form of a URL and responds by supplying the requested web content." *Durst* teaches how the server is configured. However, *Durst* is silent with respect to exactly how the server communicates. That is, there is no determination of a communication method that is used to retrieve P/S--info, other than the basic communication protocol that is initially loaded into the server.

Durst (col. 6, lines 22-28) further states, "the system also has a registration server computer 30 for managing registration and demographic information of the users of this system. A rules database may additionally be a component of the system, where the rules stored therein are utilized to help determine the web content ultimately returned to the client computer 20." The rules database disclosed in *Durst* is used to determine web content. However, the rules database is not used to <u>determine</u> a desired communication method. Thus, *Durst* fails to teach or suggest independent claims 1 and 56.

Durst col. (6, lines 29-45) teaches the configuration of the information server 50. In particular, *Durst* col. (6, lines 29-31) states, "the information server 50 is a server system that executes a software utility that installs on an information provider's web site". *Durst* col. (6, lines 44-47) teaches that the software makes a record of each "hit", recording the date, time, item accessed and a user ID in a hit log database 54, indicating who accessed the server. *Durst* (col. 6, lines 47-52) states, "the information server 50 may be implemented as a CGI program or Java servlet, compatible with both UNIX and Windows NT or via other conventional means. The overall system will contain multiple information servers 50 that are chosen based on the data entered though the linkage client 22". However, this is not to be confused with the determination of a desired communication method by a server that transmits P/S-Info using the determined communication method, as recited in independent claims 1 and 56. In *Durst*, each server is implemented as a CGI program or Java servlet, i.e. a <u>single</u> communication protocol that is installed in the server. *Durst* does not, however, teach or suggest that the server then takes the additional step of determining a desired communication method. Hence, *Durst* fails to teach or suggest independent claims 1 and 56.

The Examiner cites *Sussman* in an attempt to cure the shortcomings of *Durst*, i.e., an output device that is separate from the PSA. *Sussman* relates to a method and system in which a consumer creates a shopping list using a small wireless bar code scanner and an intelligent base

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station that gets related bar code information from a merchant's database via the Internet (see *Abstract*, lines 1-4). *Sussman* (*Abstract*, lines 4-7) states, "the consumer uses this method to shop in a store, Mail Order/Telephone Order (MOTO) or on the Internet using the created shopping list". *Sussman* (*Abstract*, lines 7-10) further states, "the consumer creates the shopping list by using a small wireless bar code scanner to scan in the merchandise Universal Product Codes (UPCs), which are available on product labels, and in product catalog". *Sussman* (Abstract, lines 10-12) teaches that the consumer then transmits the scanned bar codes to an intelligent device owned by the consumer, which is known as a base station.

Sussman (paragraph [0032], lines 1-3) teaches that UPCs are transmitted to a base station that can import the UPCs stored on a bar code scanner. *Sussman* (paragraph [0032], lines 3-7) teaches that the base station connects via the Internet to a UPC database stored at the merchant, or at a central UPC Database to download a textual description of the UPC that the consumer previously scanned into their bar code scanner. *Sussman* (paragraph [0032], lines 9-12) teaches this is the method whereby the consumer maintains their shopping list in whichever device they are most comfortable with, i.e. an Internet Appliance, a PDA, a PC, a cell phone, etc. However, *Sussman* fails to cure the deficiencies of *Durst*, since *Sussman* also fails to teach or suggest the information server recited in independent claims 1 and 56, i.e., an information server system that determines a desired communication method and transmits P/S-Info using the determined communication method. Such a determination means that the server selects from multiple different communication protocols, such as the Internet, a wired telephone network, a broadcast network, a short-range, low power radio-frequency (RF) technology, a wireless local area network (WLAN), and a cellular telephone network to transmit P/S-Info (see claims 13 and 64). The multiple communication protocols are described at, for example, pg. 14, paragraph [0025] and pg. 16, paragraph [0031].

In contrast, *Sussman* teaches a database that uses one communication method. Specifically, *Sussman* (pg. 4, paragraph [0038]) teaches the communication standards associated with the scanner and the base station, i.e., the information flow from the scanner to the base station (i.e., the Internet Appliance, the PDA, the PC and/or the cell phone). *Sussman* teaches that a single pre-selected standard is used for communication between the devices, such as the PDA, and the scanner, i.e., Bluetooth. However, *Sussman* fails to teach that a server determines a communication method from multiple communication methods for use in sending P/S-Info. Thus, *Sussman* fails to teach independent claims 1 and 56.

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The Examiner cites *Gottman* in an attempt to cure the shortcomings of *Durst* in combination with *Sussman*, i.e., a PSA that is a cellular telephone. *Gottman* relates to a system that facilitates interactive web-based comparison-shopping in conventional, physical, non-web retail environments (see col. 1, lines 54-57). *Gottman* (col. 1, lines 57-63) discloses that a wireless phone or similar hand-held wireless device with Internet Protocol capability is combined with a miniature barcode reader (installed either inside the phone or on a short cable) and utilized to obtain definitive product identification by, for example, scanning a Universal Product Code (UPC) bar code from a book or other product.

Gottman (col. 1, lines 63-67) teaches that the wireless device transmits the definitive product identifier to a service routine (running on a Web server), which converts it to (in the case of books) its International Standard Book Number or (in the case of other products) whatever identifier is appropriate. *Gottman* (col. 1, line 67 thru col. 2, line 5) further states, the service routine then queries the Web to find price, shipping and availability information on the product from various Web suppliers. This information is formatted and displayed on the hand-held device's screen. The user may then use the hand-held device to place an order interactively.

However, *Gottman* is silent with respect to "a server that <u>determines</u> a communication method and transmits P/S-info using the <u>determined</u> communication method," as recited in independent claims 1 and 56. Consequently, *Gottman* fails to provide what *Durst* and/or *Sussman* lack. As a result, independent claims 1 and 56 are patentable over the combination of *Durst*, *Sussman* and/or *Gottman* and therefore, reconsideration and withdrawal of all the rejections under 35 U.S.C. §103 are in order, and a notice to that effect is earnestly solicited.
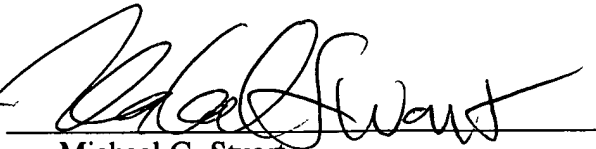
In view of the patentability of independent claims 1 and 56, for the reasons set forth above, dependent claims 2-27 and 57-75 are all patentable over the prior art.

Based on the foregoing amendments and remarks, this application is in condition for allowance. Early passage of this case to issue is respectfully requested.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,

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